

The Honorable Marsha J. Pechman

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

RYAN KARNOSKI, et al.,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States, et al.,

Defendants.

Case No. 2:17-cv-01297-MJP

**DECLARATION OF CATHRINE
SCHMID IN SUPPORT OF
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT**

I, CATHRINE SCHMID, declare as follows:

1. My legal name is Cathrine Schmid, although I often use the nickname "Katie." I am a plaintiff in the above-captioned action. I have actual knowledge of the matters stated in this declaration.

2. I am a 33-year-old woman, and I live in Lakewood, Washington with my wife.

3. I am a Staff Sergeant in the U.S. Army and am currently stationed at Joint Base Lewis McChord in Washington State.

4. I enlisted in the U.S. Army in 2005. I have been serving for nearly thirteen years.

5. I am a member of the Human Rights Campaign and the American Military Partner Association.

6. I was exposed to military life at an early age. My father served in the military when I was a child. I have always been a patriotic American with a desire to serve others and

1 was drawn to opportunities presented by serving in the Army. I am proud to put on my uniform
2 each day and serve my country.

3 7. My military occupation specialty is Signals Intelligence Analyst within the Army
4 and I currently perform duties as Multifunction Team Leader. Before my current role, I
5 performed duties as a Signals Intelligence Analyst, All-Source Analysis System Master Analyst,
6 Human Intelligence Collector, and Counterintelligence Agent.

7 8. I am transgender. I was assigned the sex of male at birth. I knew from the age of
8 five or six that I am female.

9 9. I began to come to terms with my gender identity approximately four years ago.
10 At that time, I started to see a mental health professional who diagnosed me with gender
11 dysphoria.

12 10. I began living openly as a woman in 2014.

13 11. In consultation with health care professionals, I have taken clinically appropriate
14 steps to transition. I also have further transition-related health care needs, including medically
15 necessary surgical treatment, which is currently scheduled for April 2018.

16 12. I have taken legal steps to transition. In June 2015, I legally changed my first
17 name to Cathrine. At that time, I also changed my name and changed my gender marker to
18 female on my driver's license, passport, and social security records.

19 13. I have worked with my chain of command throughout my transition, and both
20 they and other enlisted personnel have been supportive of me throughout that process.

21 14. The fact that I am transgender has not prevented me from doing my job in the
22 military nor has my gender identity prevented others from doing their jobs in the military. I
23 perform valuable services for the Army working in the field of military intelligence, and my
24 performance of those duties strengthen our nation's military readiness.

25 15. I have received awards and decorations for my service including a Joint Service
26 Commendation Medal, two Army Commendation Medals, two Joint Service Achievement
27 Medals, an Army Achievement Medal, a Joint Meritorious Unit Award, an Army Superior Unit
28 Award, four Army Good Conduct Medals, a National Defense Service Medal, a Korean Service

1 Medal, a Global War on Terrorism Service Medal, two Non-Commissioned Officer Professional
2 Development Ribbons, an Army Service Ribbon, two Overseas Service Ribbons, a
3 Marksmanship Qualification Badge-Expert with Rifle, and a Marksmanship Qualification
4 Badge-Sharpshooter with Pistol.

5 16. Prior to my transition, I was recognized for my excellence at work, but
6 maintaining my secret could, at times, be distracting. I took pains to filter my speech and
7 behavior so as not to appear too feminine and would spend energy worrying that others had
8 noticed when my behavior was feminine in nature. This most negatively affected my ability to be
9 a confident leader. Since my transition, I no longer filter myself and I am a better, more
10 confident leader.

11 17. Being able to serve openly as a transgender woman has made me a stronger asset
12 to the military. I am able to function as a productive, healthy member of the military, and I am
13 able to forge stronger relationships with others in my unit. Comradery is an absolute necessity in
14 any unit and honesty is the single most important factor in cohesiveness. If members of the unit
15 can be honest with each other, then they can trust each other. Now that I can be open about who I
16 am, I have noticed that others are more open about themselves in my presence because they can
17 perceive my trust in them. Being transgender has not negatively impacted the ability for
18 members of my unit to work together to accomplish our tasks.

19 18. On June 30, 2016, Secretary of Defense Ash Carter announced a new military-
20 wide policy lifting the ban on transgender service. This change in policy permitted other people,
21 similarly situated to me, to come out and serve openly as transgender members of the military
22 without fear of forced separation based on their transgender status. I remember stating, at the
23 time, that I felt a huge sense of relief and happiness that I was able to stop worrying about losing
24 my career based on my transgender status and simply focus on my duties.

25 19. On October 1, 2016, the DoD issued instructions for implementing the new
26 inclusive policy. Among the provisions were procedures for how transgender service members
27 may transition, for medical treatment, and for changing a service member's gender marker in the
28 Defense Enrollment Eligibility Reporting System (DEERS).

1 20. In October 2016, I changed my gender marker in DEERS. Since that time, I have
2 followed female standards for dress, grooming, and physical fitness.

3 21. Over the last year, the DoD has been implementing new the inclusive policy,
4 including through transgender-specific trainings. I have assisted in the provision of these
5 trainings to fellow service members.

6 22. On July 26, 2017, President Trump posted three tweets that indicated a radical
7 shift in military policy that previously had allowed open service by transgender service members.

8 23. This abrupt change in policy and implicit commentary on my value to the military
9 and competency to serve has caused me to feel tremendous anguish. Nevertheless, on the
10 morning that I learned of the tweets, I remained steadfast in my duties—I still stood in morning
11 formation, still did my morning reports, and still did my morning four mile run. I did my job
12 because, in the wake of such sudden chaos, I was able to fall back on my training and focused on
13 my duties.

14 24. In the weeks after the President posted the tweets about transgender service and
15 the White House issued a memorandum implementing the policy in those tweets, I lost sleep.
16 The memorandum also indicates that the military will no longer provide transition-related
17 surgical care—which I still need—on the same terms as before.

18 25. The ban against open service has affected my ability to maintain employment in
19 the military at all, causing me to feel incredible fear. Serving in the Army is my calling. I have
20 served for more than twelve years and currently have an Estimate Termination of Service date of
21 February 28, 2026. The ban throws my future and livelihood into jeopardy.

22 26. I am currently living with an immense amount of anxiety regarding all the ways in
23 which the new retention policy negatively affects me.

24 27. I am the sole financial provider for my household and I am responsible for
25 monthly child support payments. My wife, who also is transgender, and I both rely on TriCare
26 for all of our medical needs. My separation from the Army would disrupt our medically
27 necessary transition-related care.

28 28. My military career has already been harmed because of discrimination on the

1 basis of my transgender status. In June 2017, I submitted an application to become an Army
2 warrant officer, which my commanding officers had encouraged me to do. A warrant officer is a
3 highly specialized expert and trainer in a technical area such as aviation, military police, or, in
4 my case, intelligence.

5 29. Unless enjoined, the military's accessions bar would not only exclude transgender
6 individuals from enlistment but also from becoming officers, even where an individual is already
7 serving in the military. I was informed in writing in July 2017 by Human Resources Command
8 G3 Special Programs Office at Army Recruiting Command Headquarters that my application
9 was placed on hold, and thus was not being considered further at the time, because of the
10 accessions bar.

11 30. I was therefore deprived of an equal opportunity to become a warrant officer
12 solely because I am transgender. Although the accessions ban has now been preliminarily
13 enjoined, it prevented me from advancing in my career in a timely manner and foreclosed future
14 opportunities only open to warrant officers. It prevented me from applying my skillset to
15 positively influence the military in a more impactful way than my current position allows. I
16 know that I could better serve the Army as a warrant officer.

17 31. An enlisted service member must apply to be a Warrant Officer within the first
18 twelve years of their service. I reached twelve years of service in February 2017. I submitted a
19 waiver request with my application in June 2017. Since the preliminary injunction was issued,
20 my waiver request was approved.

21 32. My Warrant Officer packet is now at the juncture in the application process where
22 it will go before the Warrant Officer Selection Board.

23 33. I have engaged in speech and conduct disclosing my transgender status and
24 expressing my gender identity, including by coming out to my chain of command and my fellow
25 service members, taking steps to transition, and living openly as a woman in military life. I want
26 to continue to be able to engage in speech and conduct disclosing my transgender status and

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1 expressing my gender identity.

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3 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the
4 United States of America that the foregoing is true and correct.

5
6 DATED: January 22, 2017



7 Cathrine Schmid

CERTIFICATE OF SERVICE

The undersigned certifies under penalty of perjury under the laws of the United States of America and the laws of the State of Washington that all participants in the case are registered CM/ECF users and that service of the foregoing documents will be accomplished by the CM/ECF system on January 25, 2018.



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